

To establish an Office of Hispanic American Affairs in the Executive Office of the President, and in various Federal departments and agencies, and for other purposes.

FEBRUARY 4 (legislative day, JANUARY 5), 1993

To establish an Office of Hispanic American Affairs in the Executive Office of the President, and in various Federal departments and agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Hispanic American
4 Affairs Act of 1993”.

5 STATEMENT OF PURPOSE

6 SEC. 2. It is the purpose of this Act to—

(1) assure that Federal programs and resources are reaching all Mexican Americans, Puerto Rican Americans, Cuban Americans, and all other His-

1 panic Americans and are providing the assistance
2 needed by such individuals;

3 (2) assure that the laws, policies, and practices
4 of the Federal Government provide equal opportuni-
5 ties for Hispanic Americans in all areas, including
6 the areas of employment, education, health, housing,
7 community development, economic development, and
8 grant and contract procurement; and

9 (3) seek out and develop new programs and re-
10 sources that may be necessary to handle problems
11 that are unique to Hispanic Americans.

12 ESTABLISHMENT OF OFFICE

13 SEC. 3. There is established in the Executive Office
14 of the President the Office of Hispanic American Affairs
15 (hereinafter referred to as the “Office”). The Office shall
16 be headed by a Director (hereinafter referred to as the
17 “Director”) who shall be appointed by the President, by
18 and with the advice and consent of the Senate.

19 DUTIES OF THE DIRECTOR

20 SEC. 4. (a) The Director shall—

21 (1) advise Federal departments and agencies
22 regarding appropriate action to be taken to help as-
23 sure that Federal programs are providing the assist-
24 ance needed by Hispanic Americans;

25 (2) advise Federal departments and agencies on
26 the development and implementation of comprehen-

1 sive and coordinated policies, plans, and programs
2 which focus on the special problems and needs of
3 Hispanic Americans including economic develop-
4 ment, education, housing, and health care programs
5 and advise such departments and agencies on the
6 priorities of such policies, plans, and programs;

7 (3) advise and assist Hispanic American groups
8 and individuals in receiving assistance available
9 under law;

10 (4) establish and maintain a Hispanic American
11 information clearinghouse which shall collect, ana-
12 lyze, and disseminate information concerning the so-
13 cial and economic conditions encountered by His-
14 panic individuals;

15 (5) carry out the functions relating to equal
16 employment opportunity for Hispanic Americans
17 transferred to the Director under section 8; and

18 (6) appraise the laws, policies, and performance
19 of the Federal Government with respect to the
20 achievement or denial of equal opportunities for His-
21 panic Americans, and report such appraisal annually
22 to the President and the Congress in the report re-
23 quired under section 11.

24 (b) In carrying out the functions of the Director, the
25 Director may—

1 (1) conduct, directly or by grant or contract,
2 such surveys, studies, research, and demonstration
3 and technical assistance projects;

4 (2) establish such relationships with State and
5 local governments and the private sector as may be
6 appropriate; and

7 (3) promote the participation of State and local
8 governments and the private sector as may be ap-
9 propriate to identify and assist in solving the special
10 problems of Hispanic Americans.

11 (c) The Director shall utilize the Special Assistants
12 for Hispanic American Affairs established in each Federal
13 department or agency under section 12 to carry out the
14 functions transferred under section 8.

15 ADVISORY TASK FORCES

16 SEC. 5. (a) The Director may appoint one or more
17 advisory task forces from among persons who are rep-
18 resentative of and involved in the affairs of the Mexican
19 American, Puerto Rican American, and Cuban American
20 communities, and of other elements of the Hispanic Amer-
21 ican community. Each such task force shall—

22 (1) advise the Director with respect to the func-
23 tions of the Director under this Act;

24 (2) be subject to the provisions of the Federal
25 Advisory Committee Act; and

1 (3) each year and at the time of completion of
2 work of the task force, transmit to Congress and the
3 President a report concerning the activities of the
4 task force.

5 (b) Each member of an advisory task force appointed
6 under subsection (a) who is not otherwise employed by the
7 United States Government shall receive compensation at
8 a rate equal to the daily maximum rate prescribed for a
9 position above GS-15 under the General Schedule under
10 section 5108 of title 5, United States Code, for each day,
11 including traveltime, such member is engaged in the actual
12 performance of duties as a member of a task force. A
13 member of a task force who is an officer or employee of
14 the United States Government shall serve without addi-
15 tional compensation. All members of a task force shall be
16 reimbursed for travel, subsistence, and other necessary ex-
17 penses incurred by them in the performance of their du-
18 ties.

19 (c) The Director shall provide staffing and support
20 to any task force appointed under subsection (a) in order
21 to assist the members of the task force in carrying out
22 their duties.

23 ADMINISTRATIVE PROVISIONS

24 SEC. 6. (a) In carrying out the provisions of this Act,
25 the Director is authorized—

1 (1) to appoint such personnel as the Director
2 considers necessary without regard to the provisions
3 of title 5, United States Code, governing appoint-
4 ments in the competitive service, and to pay such
5 personnel without regard to the provisions of chapter
6 51 and subchapter III of chapter 53 of such title re-
7 lating to classification and General Schedule pay
8 rates;

9 (2) to employ experts and consultants in ac-
10 cordance with the provisions of section 3109 of such
11 title, at rates of pay which do not exceed the maxi-
12 mum rate prescribed for a position above GS-15 of
13 the General Schedule under section 5108 of such
14 title;

15 (3) to promulgate such rules, regulations, and
16 procedures as may be necessary to carry out the
17 functions of the Office, and to delegate authority for
18 the performance of any function to any officer or
19 employee of the Office under the direction and su-
20 pervision of the Director;

21 (4) to utilize, with their consent, the services,
22 equipment, personnel, information, and facilities of
23 other Federal departments and agencies and of
24 State, local, and private agencies and instrumental-
25 ities, with or without reimbursement therefor;

1 (5) to enter into agreements with other Federal
2 departments and agencies as may be appropriate;

3 (6) to operate such regional offices as may be
4 necessary to carry out the provisions of this Act;

5 (7) without regard to the provisions of section
6 3324 of title 31, United States Code, to enter into
7 and perform such contracts, leases, cooperative
8 agreements, or other transactions as may be nec-
9 essary in the conduct of the functions of the Office,
10 with any public agency or with any person, and
11 make payments (in advance, by transfer, or other-
12 wise) and grants to any public agency or private
13 nonprofit organization;

14 (8)(A) to accept voluntary and uncompensated
15 services, without regard to the provisions of section
16 1342 of title 31, United States Code;

17 (B) to accept volunteer service in accordance
18 with section 3111 of title 5, United States Code; and

19 (9) to request such information, data, and re-
20 ports from any Federal department or agency as the
21 Director may from time to time require and as may
22 be produced consistent with other law.

23 (b) Upon request of the Director, the head of each
24 Federal department or agency shall promptly make the
25 services, equipment, personnel, facilities, and information

1 of the department or agency (including suggestions, esti-
 2 mates, and statistics) available to the Office to the great-
 3 est extent practicable.

4 (c) Upon request of the Director, the head of each
 5 Federal department or agency shall promptly detail any
 6 of the personnel of the department or agency to the Office.
 7 Any such detail shall be made on a reimbursable basis.

8 COORDINATION

9 SEC. 7. In carrying out the provisions of this Act,
 10 the Director shall provide leadership and coordination for
 11 all Federal departments and agencies, particularly the of-
 12 fices established under section 12, and shall provide such
 13 guidance to Federal departments and agencies as the
 14 President determines is appropriate in implementing this
 15 Act. Each department or agency shall issue appropriate
 16 rules and regulations to further the purposes of this Act.

17 TRANSFERS OF FUNCTIONS FROM THE OFFICE OF 18 PERSONNEL MANAGEMENT

19 SEC. 8. All functions of the Office of Personnel Man-
 20 agement under section 717 of the Civil Rights Act of 1964
 21 and Executive Order 11478, issued August 8, 1969, which
 22 the Director of the Office of Management and Budget de-
 23 termines relate to equal employment opportunity for His-
 24 panic individuals, commonly known as the Hispanic Em-
 25 ployment Program, are transferred to the Director.

1 TRANSFER OF PERSONNEL AND PROPERTY

2 SEC. 9. (a) All personnel, liabilities, contracts, prop-
3 erty, and records as are determined by the Director of the
4 Office of Management and Budget to be employed, held,
5 or used primarily in connection with any function trans-
6 ferred under this Act, are transferred to the Office.

7 (b)(1) Except as provided in paragraph (2), personnel
8 engaged in functions transferred under this Act shall be
9 transferred in accordance with applicable laws and regula-
10 tions relating to the transfer of functions.

11 (2) The transfer of personnel pursuant to subsection
12 (a) shall be without reduction in classification or com-
13 pensation for one year after such transfer.

14 TRANSFER MATTERS

15 SEC. 10. (a) All laws relating to any office, agency,
16 or function transferred under this Act shall, insofar as
17 such laws are applicable, remain in full force and effect.
18 All orders, determinations, rules, and regulations made or
19 issued in connection with any function transferred by this
20 Act, and in effect at the time of the transfer, shall con-
21 tinue in effect to the same extent as if such transfer had
22 not occurred, until modified, superseded, or repealed.

23 (b) The provisions of this Act shall not affect any
24 proceedings pending at the time this section takes effect
25 before any agency, or part thereof, functions of which are
26 transferred by this Act, but such proceedings, to the ex-

1 tent that they relate to functions so transferred shall be
2 continued before the Office.

3 (c) No action or other proceeding commenced by or
4 against any office or agency or any officer of the United
5 States acting in the official capacity of such officer shall
6 abate by reason of any transfer made pursuant to this Act,
7 but the court, on any motion or supplemental petition filed
8 at any time within twelve months after such transfer takes
9 effect which shows a necessity for the survival of such ac-
10 tion or other proceeding to obtain a settlement of the ques-
11 tion involved, may allow the action or proceeding to be
12 maintained by or against the appropriate office or agency
13 or officer of the United States.

14 ANNUAL REPORT

15 SEC. 11. Within six months after the end of each fis-
16 cal year, the Director shall submit a report to the Presi-
17 dent and the Congress concerning the activities of the Of-
18 fice during the preceding fiscal year. Such report shall in-
19 clude the appraisal of Federal performance in achieving
20 equal opportunity for Hispanic Americans required under
21 section 4(a)(6) and recommendations for legislative action
22 relating to the achievement of the purposes of this Act.

23 OFFICES IN VARIOUS EXECUTIVE AGENCIES

24 SEC. 12. (a) The President shall establish and main-
25 tain an Office of Hispanic American Affairs in the follow-
26 ing Federal departments and agencies:

- 1 (1) the Department of State;
- 2 (2) the Department of Treasury;
- 3 (3) the Department of Defense and each mili-
- 4 tary department;
- 5 (4) the Department of Justice;
- 6 (5) the Department of the Interior;
- 7 (6) the Department of Agriculture;
- 8 (7) the Department of Commerce;
- 9 (8) the Department of Labor, including pro-
- 10 grams of the Office of Federal Contract Compliance;
- 11 (9) the Department of Health and Human
- 12 Services;
- 13 (10) the Department of Housing and Urban
- 14 Development;
- 15 (11) the Department of Transportation;
- 16 (12) the Department of Energy;
- 17 (13) the Department of Education;
- 18 (14) the Department of Veterans' Affairs;
- 19 (15) the Office of Personnel Management;
- 20 (16) the Federal Communications Commission;
- 21 (17) the Small Business Administration;
- 22 (18) the National Aeronautics and Space Ad-
- 23 ministration;
- 24 (19) the National Science Foundation;
- 25 (20) the Federal Home Loan Bank Board;

1 (21) the Equal Employment Opportunity Com-
2 mission;

3 (22) the Postal Rate Commission;

4 (23) the Environmental Protection Agency;

5 (24) the General Services Administration;

6 (25) the United States Postal Service; and

7 (26) such other Federal departments or agen-
8 cies as the President may designate.

9 (b) Each Office of Hispanic American Affairs estab-
10 lished under subsection (a) shall be headed by a Special
11 Assistant for Hispanic American Affairs, who shall be ap-
12 pointed by the head of the Federal department or agency
13 in which the office is located. The Special Assistant for
14 Hispanic American Affairs designated within each depart-
15 ment or agency shall assist the Director in carrying out
16 within each department or agency the functions trans-
17 ferred under section 8.

18 (c) The Special Assistant for Hispanic American Af-
19 fairs of each department or agency may participate in all
20 policy planning and development for all programs of the
21 department or agency to insure the consideration of fac-
22 tors impacting on the various Hispanic communities. The
23 head of each Federal department or agency shall insure
24 the participation of the Special Assistant for Hispanic
25 American Affairs in the review of all pertinent and rel-

1 evant rules, regulations, and guidelines, and other man-
2 agement directives to assure that the laws, policies, and
3 practices of the Federal Government are providing equal
4 opportunities for Hispanics in all areas, including the
5 areas of education, health, housing, community develop-
6 ment, economic development, grant and contract procure-
7 ment, and employment. The Special Assistant for His-
8 panic American Affairs shall make recommendations to
9 the head of the Federal department or agency concerning
10 problems and special needs that are unique to Hispanics,
11 and shall be available to advise and assist Hispanic groups
12 and individuals who seek assistance or services from the
13 department or agency.

14 DUTIES OF THE SECRETARY OF COMMERCE

15 SEC. 13. The Secretary of Commerce shall take nec-
16 essary steps to insure that existing information clearing-
17 house functions within the Department of Commerce en-
18 compass the collection and dissemination of information
19 in easily accessible form concerning the social, economic,
20 employment, health, and housing needs and conditions of
21 the Hispanic population of the Nation.

22 BAN ON PARTISAN POLITICAL ACTIVITIES

23 SEC. 14. No funds authorized to carry out this Act
24 shall be used to finance any activities designed to influence
25 the outcome of any election to Federal office or any voter
26 registration activity, or to pay the salary of the chair-

1 person or any employee of a political committee after the
2 date on which such persons engage in such activity, as
3 determined by the Office of Personnel Management. For
4 the purposes of this section, the term “election” has the
5 same meaning as in section 301(1) of the Federal Election
6 Campaign Act of 1971 (2 U.S.C. 431(1)), the term “Fed-
7 eral office” has the same meaning as in section 301(3)
8 of such Act (2 U.S.C. 431(3)), and the term “political
9 committee” has the same meaning as in section 301(4)
10 of such Act (2 U.S.C. 431(4)).

11 LIMITATION ON CONTRACT AUTHORITY

12 SEC. 15. The authority of the Director to enter into
13 contracts under this Act shall be to such extent or in such
14 amounts as are provided in appropriation Acts.

15 COMPENSATION OF DIRECTOR

16 SEC. 16. Section 5316 of title 5, United States Code,
17 is amended by adding at the end thereof the following:
18 “Director, Office of Hispanic American Af-
19 fairs.”.

20 AUTHORIZATION OF APPROPRIATIONS

21 SEC. 17. There are authorized to be appropriated
22 such sums as may be necessary to carry out this Act.

23 EFFECTIVE DATE

24 SEC. 18. The provisions of this Act shall take effect
25 upon the date of enactment of this Act, except that the
26 provisions of sections 8 through 10 shall take effect on

- 1 the date which is 60 days after the date of enactment of
- 2 this Act or on such earlier date as the President shall
- 3 specify by Executive order.

